IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.8374 OF 2005

Annaso Shripati Khot & Anr. ...Applicants
Versus
State of Maharashtra & Ors. ...Respondent

Mr.A.P.Mundargi with Shri.Mithare for the Applicants.
Mrs.S.D.Shinde, A.P.P for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 22, 2005.

P.C.:

. Applicant No.1 and his wife are both residing at Ichalkaranji in District : Kolhapur. They are accused in C.R.No.65 of 2005 registered with Gaobhag Police Station, Ichalkaranji, alleging offences punishable under Sections 465, 468, 471 of the Indian Penal Code.

2. Admittedly, the applicant No.1 is serving as Sectional Engineer with P.W.D. of Zilla Parishad Kolhapur. Applicant No.2 is housewife. Further, A.C.B. had earlier launched a prosecution under Prevention of Corruption Act against the first applicant and it is brought to my notice by Mr.Mundargi that the first applicant has been discharged therein. During the course of raid carried-out on the premises of the first applicant, prior to the said prosecution being lodged, some documents were seized which included tenancy agreement pertaining to immovable property, of which applicant

No.1 is the landlord. Now the allegation is that the tenancy agreements are forged in as much as they have been antedated. There is doubt as to whether any genuine tenancy exists in tenants in this property is another allegation.

3. In my view, all the documents have been seized and are in custody of the A.C.B. as well as the Investigating Officer and the case being based on the documents, no useful purpose would be served by detaining the applicants in custody. More particularly, the second applicant has no role to play in the entire episode. Accordingly, following order :

i) In the event of the arrest of the applicants in connection with C.R.No.65 of 2005 registered with Gaobhag Police Station, Ichalkaranji, District : Kolhapur, the applicants shall be enlarged on bail in the sum of Rs.10,000/- each with one/two sureties in the like amount.

ii) Applicants shall report to Gaobhag Police Station, Ichalkaranji, District : Kolhapur, as and when required.

iii) Bail is granted subject to the condition that applicant shall not directly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI,J.)